

REMARKS

Upon entry of the claim amendments, claims 6-8 and 10 are all the claims pending in the application. Claims 1-5, 9, and 11 have been canceled, and claims 6-8 and 10 have been amended. Support for the claim amendments can be found throughout the specification and originally filed claims.

Specifically, support for the claim amendments for claims 6-8 can be found at least at page 10 and Example 1.

Support for the claim 10 amendment can be found at least at page 13.

Accordingly, no new matter has been introduced by these amendments to the claims.

A. Present Claims Comply With 35 U.S.C. § 112

Claims 8, 10, and 11 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

i) With respect to claim 8, the Examiner asserts that it is not clear what are the specific method steps and conditions that allow for “any one of the molded fish meat protein molded into a fibrous form by acid denaturation, the fish meat paste and the mixture thereof to have a buffer function.”

In response, without agreeing with the Examiner, and solely to expedite the prosecution, Applicants delete the step of “allowing any one of the molded fish meat protein, the fish meat paste and the mixture thereof to have a buffer function.”

ii) With respect to claims 10 and 11 reciting “excellent in form retention property,” the Examiner asserts that it is not clear what is the criterion of determination of the degree of form retention property based on the flake generation ratio or what is the standard for ascertaining the requisite degree, for example, what are the flake generation ratios corresponding to the low, poor, average, good or excellent form retention property.

In response, without agreeing with the Examiner, and solely to expedite the prosecution, Applicants delete the phrase “excellent in form retention property.”

Accordingly, Applicants respectfully request that the above rejections under 35 U.S.C. § 112 be withdrawn.

B. Present Claims Are Patentable Over Nishimura, Okada ‘236, and Okada ‘654.

Claims 6-11 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nishimura *et al.* (US Pat. No. 4584204; “Nishimura”) in view of Okada (US Pat. No. 4559236; “Okada ‘236”) and further in view of Okada (US Pat. No. 4880654; “Okada ‘654”).

In response to Applicants’ previous amendment regarding the rehydration with hot water and the consumption of the food, the Examiner asserts that this recitation does not exclude consumption of the fish food in a dry state and that the recited phrase is merely an intended use recitation. Specifically, the Examiner states that the recitation does not necessarily require rehydration with hot water, rather suggests that dry food product is capable of rehydrating with hot water.

Without agreeing with the Examiner, Applicants have amended independent claims 6-8 to recite:

- (1) “molding a fish meat protein into a fibrous form ... wherein the fibrous form has

a diameter of 1 to 3 mm.”

(2) “adjusting a pH thereof to from 6.7 to 7.5.”

(3) “mixing the fibrous fish meat protein with a fish meat paste at a mixing ratio (weight ratio) of from 98:2 to 80:20.”

Because of the above recited elements, the presently claimed process produced an unexpectedly superior dried food for rehydration with hot water that is easily rehydrated but is not easily wrecked. Specifically, since the diameter of the fibrous form in the dried food is small in between 1 to 3 mm, rehydration of the dried food can be carried out quickly. Moreover, when the pH is strictly controlled between pH 6.7 to 7.5, the degree of the binding of the fibrous fish meat protein with the fish meat paste (binder) becomes stable. Additionally, since the ratio of the fish meat paste (binder) is small between 2 to 20%, gaps are present among the fibers of the fish meat protein and thus the rehydration of the dried food can be easily carried out.

On the other hand, the combination of the cited references fails to teach or suggest a process for producing a dried fibrous fish meat-bound food with such unexpectedly superior characteristics.

Specifically, although Okada ‘236 describes carrying out neutralization after acid treatment, it does not describe producing dried products. In addition, although Okada ‘654 describes preparing salmon jerky by drying, it does not describe a product which has water-rehydration property that is 3 or more of the wet weight/dry weight ratio when reconstitution with hot water is carried out for 3 minutes.

It cannot be expected from the combination of the cited references that a product can be obtained that has water-rehydration property of 3 or more of the wet weight/dry weight ratio when reconstitution with hot water for 3 minutes is carried out, i.e. a dried product which can be

used as an ingredient in snack noodles. Only when the claimed conditions are met, can a product which can be easily dehydrated can be produced.

Even though Nishimura describes mixing Kamaboko-like fibers and fish meat binder at a ratio of 80:20, Nishimura does not at all describe producing a dried product which can be easily rehydrated and it is not conceivable from Nishimura regarding which composition is suitable for producing a dried product which can be easily rehydrated.

Accordingly, the present invention is not obvious from Nishimura or the combination of this reference with other references.

For the foregoing reasons, Applicants respectfully submit that the claims are not rendered obvious by the cited references and request that this rejection under 35 U.S.C. § 103 be reconsidered and withdrawn.

C. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

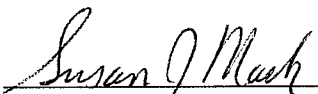
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